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Paper No.

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SEP 04 2008

**OFFICE OF PETITIONS**

In re Application of :  
Raj Bridgelall : DECISION ON APPLICATION  
Application No. 10/750,550 : FOR  
Filed: December 31, 2003 : PATENT TERM ADJUSTMENT  
Atty Docket No. 022.0028(1615):

This is a decision on the "Application for Patent Term Adjustment filed under 37 C.F.R. § 1.705(b)," filed June 13, 2008. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from five hundred forty-one (541) days to six hundred twelve (612) days.

The application for patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **six hundred forty-six (646)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 13, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 541 days. On June 13, 2008, applicant timely submitted the instant application for patent term adjustment<sup>1</sup>. Applicant disputes the reduction of 71 days associated with the filing of a request for continued examination (RCE) on December 19, 2007. Applicant asserts that their RCE was filed on October 8, 2007 within 3 months of the mailing of the final Office action on July 9, 2007, and thus, no reduction was warranted.

<sup>1</sup> PALM records indicate that the Issue Payment was also filed on June 13, 2008.

Applicant states that this application is not subject to a terminal disclaimer.

Applicant's arguments have been considered and found persuasive. A review of the record reveals that a request for continued examination (RCE) including the RCE fee was filed on October 8, 2007, but not fully recognized by the Office. In response to the Advisory Action, applicant filed the RCE on form PTO/SB/30. Accordingly, the reduction of 71 days pursuant to 37 CFR 1.704(b) for taking until December 19, 2007 to file a response in compliance with § 1.113(c) is being removed.

Moreover, as the response in compliance with § 1.113(c) was filed on October 8, 2007, a period of adjustment of 34 days is properly entered pursuant to 37 CFR 1.702(a)(2) for the Office taking until March 13, 2008 to mail the notice of allowance.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 646 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent will include any additional patent term adjustment accrued for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

# PALM INTRANET

PTA Calculations for Application: 10/750550					
Application Filing Date:		12/31/2003	PTO Delay (PTO):		641
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		100
Post-Issue Petitions:		0	Total PTA (days):		646
PTO Delay Adjustment:		105			

  

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
56	08/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	34		
55	08/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	71		
44	03/13/2008	MAIL NOTICE OF ALLOWANCE			
43	03/05/2008	ISSUE REVISION COMPLETED			
42	03/05/2008	DOCUMENT VERIFICATION			
41	03/05/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	03/05/2008	CASE DOCKETED TO EXAMINER IN GAU			
39	03/03/2008	NOTICE OF ALLOWABILITY			
38	12/21/2007	DATE FORWARDED TO EXAMINER			
37	10/08/2007	RCE- AF PROCESSED			
36	12/21/2007	DATE FORWARDED TO EXAMINER			
35	12/19/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		71	26
34	12/21/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
33	12/21/2007	DATE FORWARDED TO EXAMINER			
32	10/08/2007	AMENDMENT AFTER FINAL REJECTION			
31	11/15/2007	MAIL ADVISORY ACTION (PTOL - 303)			
30	11/13/2007	ADVISORY ACTION (PTOL-303)			
29	10/25/2007	DATE FORWARDED TO EXAMINER			
28	10/08/2007	AMENDMENT AFTER FINAL REJECTION			
27	10/08/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
26	07/09/2007	MAIL FINAL REJECTION (PTOL - 326)			
25	06/25/2007	FINAL REJECTION			
24	04/12/2007	DATE FORWARDED TO EXAMINER			
23	03/30/2007	RESPONSE AFTER NON-FINAL ACTION		29	21

22	03/30/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	12/01/2006	MAIL NON-FINAL REJECTION	641		-1
20	11/27/2006	NON-FINAL REJECTION			
19	06/23/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	07/31/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	06/23/2005	REFERENCE CAPTURE ON IDS			
15.7	06/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	06/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	03/15/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	03/15/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	03/01/2004	NEW OR ADDITIONAL DRAWING FILED			
11	07/23/2004	APPLICATION RETURN FROM OIPE			
10	07/23/2004	APPLICATION RETURN TO OIPE			
9	07/23/2004	APPLICATION DISPATCHED FROM OIPE			
8	07/23/2004	APPLICATION IS NOW COMPLETE			
7	07/01/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEEXAM			
6	07/01/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	05/04/2004	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	02/27/2004	CLEARED BY OIPE CSR			
3	02/27/2004	CASE CLASSIFIED BY OIPE			
2	01/23/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/31/2003	INITIAL EXAM TEAM NN			

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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